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| 10/774,505      | 02/10/2004  | Kia Silverbrook      | ZF147US             | 8703             |

24011 7590 07/29/2005

SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

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| EXAMINER |
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MAYES, MELVIN C

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| ART UNIT | PAPER NUMBER |
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1734

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/774,505

Applicant(s)

SILVERBROOK, KIA

Examiner

Melvin Curtis Mayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Double Patenting***

(1)

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

(2)

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of U.S. Patent No. 6,830,243 in view of GB 2 303 580 or over claims 1 and 9 of U.S. Patent No. 6,830,243 in view of GB 2 303 580 and Corona et al. 5,316,279.

U.S. Patent No. 6,830,243 claims a system for printing, stacking and binding pages comprising: a drive system to direct pages along a page path; a print station; an adhesive station downstream of the drive system to apply adhesive to one or more edges of each page; a support tray for receiving pages to be stacked including a support surface; a vibrator interacting with the tray to induce vibration to assist in alignment of the pages; a press device to apply compressive force to the stack adjacent an edge of the stack to bind the pages, wherein the support surface of the tray is of adjustable height to ensure that an upper page of the stack is situated at a predefined

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level, and wherein the tray has a support surface having one corner that is lower than other portions of the support surface. According the specification, the vibrator interacts with the tray by being provided beneath the lower-most corner of the tray. The system of U.S. Patent No. '243 would perform the steps of conveying pre-printed pages past a glue dispenser to a support, placing pages to form a stack on a support, ensuring alignment, adjusting position of the support vertically and pressing, as claimed. U.S. Patent No. 6,830,243 does not claim that the adhesive station applies the adhesive along a line transverse to the path.

GB 2 303 580 teaches that in an apparatus and method of making a book by gluing transported sheets together and stacking the sheets, the means for applying glue applies the glue to at least one pre-selected area as a continuous glue line or series of dots, dashes or other patterns transverse to the transport direction of the sheets (pgs. 2-9).

Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray may be provided with vibrator to aid in corner jogging. As shown in Figure 2, the vibrator 90 is attached to a side wall of the tray near the corner (col. 10, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have modified the system of U.S. Patent No. 6,830,243 which claims a system for printing, stacking and binding pages by using the adhesive station to apply adhesive along a line transverse to the page path, as taught by GB '580, as the direction a glue line is applied to sheets transported past means for applying glue for subsequent stacking of the sheets.

Providing the vibrator as interacting with the tray by being operatively connected to the corner that is lower than other portions of the support surface (lowermost corner) would have

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been obvious to one of ordinary skill in the art, as Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray provided with vibrator to aid in corner jogging, the vibrator is attached to the tray near the corner, thus being operatively connected to the corner.

(3)

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10 and 11 of U.S. Patent No. 6,631,897 in view of GB 2 303 580 and Corona et al. 5,316,279.

U.S. Patent No. 6,631,897 claims a method of bonding pages in a stack comprising: delivering pages to a tray, wherein at least one of the pages has binding adhesive applied adjacent an edge thereof; during and/or after deliver, inducing vibration in the tray using a vibrator; aligning the pages in the stack within the tray by inducing vibration; adjusting the height of the support surface ensuring that an upper page of the stack is situated at a predefined level; and placing a compressive force on the stack adjacent the edge to which adhesive is applied to bond the pages together; wherein the aligning comprises aligning the pages in a corner of the support surface, the corner being lower than other portions of the support surface. U.S. Patent No. 6,631,897 does not claim conveying pre-printed pages past a glue (adhesive) dispenser to apply the adhesive along a line transverse to the path or the vibrator operatively connected to the lower corner.

GB 2 303 580 teaches that in an apparatus and method of making a book by gluing transported printed sheets together and stacking the sheets, printed sheets are transported past means for applying glue which applies the glue to at least one pre-selected area as a continuous

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glue line or series of dots, dashes or other patterns transverse to the transport direction of the sheets, prior to stacking the sheets (pgs. 2-9).

Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray may be provided with vibrator to aid in corner jogging. As shown in Figure 2, the vibrator 90 is attached to a side wall of the tray near the corner (col. 10, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have modified the method of U.S. Patent No. 6,631,897 for bonding pages by transporting (conveying) pre-printed pages past means for applying adhesive along a line transverse to the page path, as taught by GB '580, as the direction a glue line is applied to sheets transported past means for applying glue for subsequent stacking of the sheets for making a book.

Providing the vibrator for inducing vibration in the tray by being operatively connected to the corner that is lower than other portions of the support surface (lowermost corner) would have been obvious to one of ordinary skill in the art, as Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray provided with vibrator to aid in corner jogging, the vibrator is attached to the tray near the corner, thus being operatively connected to the corner.

(4)

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 14 and 21 of U.S. Patent No. 6,672,584 in view of GB 2 303 580 and Corona et al. 5,316,279.

U.S. Patent No. 6,672,584 claims a method of bonding pages in a stack comprising: delivering pages along a path to a tray, wherein at least one of the pages has binding adhesive applied transverse the path; during and/or after deliver, inducing vibration in the tray using a vibrator; aligning the pages in the stack within the tray by inducing vibration; adjusting the height of the support surface ensuring that an upper page of the stack is situated at a predefined level; and placing a compressive force on the stack causing the adhesive to bond the pages together; wherein the aligning comprises aligning the pages in a corner of the support surface, the corner being lower than other portions of the support surface. U.S. Patent No. 6,672,584 does not claim conveying pre-printed pages past a glue (adhesive) dispenser to apply the adhesive transverse the path or the vibrator operatively connected to the lower corner.

GB 2 303 580 teaches that in an apparatus and method of making a book by gluing transported printed sheets together and stacking the sheets, printed sheets are transported past means for applying glue which applies the glue to at least one pre-selected area as a continuous glue line or series of dots, dashes or other patterns transverse to the transport direction of the sheets, prior to stacking the sheets (pgs. 2-9).

Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray may be provided with vibrator to aid in corner jogging. As shown

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in Figure 2, the vibrator 90 is attached to a side wall of the tray near the corner (col. 10, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have modified the method of U.S. Patent No. 6,672,584 for bonding pages by transporting (conveying) pre-printed pages past means for applying the adhesive transverse to the page path, as taught by GB '580, as the direction a glue line is applied to printed sheets transported past means for applying glue for subsequent stacking of the sheets for making a book.

Providing the vibrator for inducing vibration in the tray by being operatively connected to the corner that is lower than other portions of the support surface (lowermost corner) would have been obvious to one of ordinary skill in the art, as Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray provided with vibrator to aid in corner jogging, the vibrator is attached to the tray near the corner, thus being operatively connected to the corner.

(5)

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 and 14 of U.S. Patent No. 6,851,667 in view of GB 2 303 580 and Corona et al. 5,316,279.

U.S. Patent No. 6,851,667 claims a method of bonding pages in a stack comprising: delivering pages along a path to a tray having a support surface having a corner that is lower than other portions of the support surface; during and after deliver, inducing vibration in the tray; to align the pages in the stack; adjusting the height of the support surface ensuring that an upper page of the stack is situated at a predefined level; and placing a compressive force on the stack to



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bind the stack. U.S. Patent No. 6,851,667 does not claim conveying pre-printed pages past a glue (adhesive) dispenser to apply the adhesive transverse the conveying path or a vibrator operatively connected to the lower corner to induce vibration.

GB 2 303 580 teaches that in an apparatus and method of making a book by gluing transported printed sheets together and stacking the sheets, printed sheets are transported past means for applying glue which applies the glue to at least one pre-selected area as a continuous glue line or series of dots, dashes or other patterns transverse to the transport direction of the sheets, prior to stacking the sheets (pgs. 2-9).

Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray may be provided with vibrator to aid in corner jogging. As shown in Figure 2, the vibrator 90 is attached to a side wall of the tray near the corner (col. 10, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have modified the method of U.S. Patent No. 6,851,667 for bonding pages by transporting (conveying) pre-printed pages past means for applying the adhesive transverse to the page path, as taught by GB '580, as the direction a glue line is applied to printed sheets transported past means for applying glue for subsequent stacking of the sheets for making a book.

Providing a vibrator for inducing vibration in the tray by being operatively connected to the corner that is lower than other portions of the support surface (lowermost corner) would have been obvious to one of ordinary skill in the art, as Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray is provided with

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vibrator to aid in corner jogging, the vibrator attached to the tray near the corner, thus being operatively connected to the corner.

(6)

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 13, 14 and 22 of U.S. Patent No. 6,848,687 in view of Corona et al. 5,316,279.

U.S. Patent No. 6,848,687 claims a method of binding pages into a bound document comprising: applying adhesive to printed pages with an applicator; sequentially conveying the pages from the printer to a support tray along a path via the applicator; the applicator adapted to apply adhesive to a trailing edge of each page extending transverse to the path; wherein the tray has a press device for compressing the pages, the base of the tray has a support surface and comprising adjusting the height of the support surface ensuring that an upper page of the stack is situated at a predefined level, and the device has a vibrator interacting with the tray to induce vibration to assist in alignment of the pages of the stack. U.S. Patent No. 6,848,687 does not claim the vibrator operatively connected to a lowermost corner of the tray to induce vibration.

Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray may be provided with vibrator to aid in corner jogging. As shown in Figure 2, the vibrator 90 is attached to a side wall of the tray near the corner (col. 10, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have modified the method of U.S. Patent No. 6,848,687 for binding printed pages into a bound document by providing the tray with a lowermost corner, as taught by Corona et al, for corner jogging of

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printed sheets to be stacked. Providing the vibrator for inducing vibration in the tray by being operatively connected to the lowermost corner would have been obvious to one of ordinary skill in the art, as Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray is provided with vibrator to aid in corner jogging, the vibrator attached to the tray near the corner, thus being operatively connected to the corner.

(7)

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 14 and 21 of U.S. Patent No. 6,845,978 in view GB 2 303 580 and Corona et al. 5,316,279.

U.S. Patent No. 6,848,687 claims a method of binding pages into a bound document comprising: applying adhesive to printed pages with an applicator adapted to eject adhesive onto the pages as they are fed to the support tray; sequentially conveying the pages from the printer to a support tray via the applicator; wherein the tray has a press device and comprising adjusting the height of the support surface ensuring that an upper page of the stack is situated at a predefined level, and the device has a vibrator interacting with the tray to induce vibration to assist in alignment of the pages of the stack. U.S. Patent No. 6,845,978 does not claim the vibrator operatively connected to a lowermost corner of the tray to induce vibration.

GB 2 303 580 teaches that in an apparatus and method of making a book by gluing transported printed sheets together and stacking the sheets, printed sheets are transported past means for applying glue which applies the glue to at least one pre-selected area as a continuous glue line or series of dots, dashes or other patterns transverse to the transport direction of the sheets, prior to stacking the sheets (pgs. 2-9).

Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray may be provided with vibrator to aid in corner jogging. As shown in Figure 2, the vibrator 90 is attached to a side wall of the tray near the corner (col. 10, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have modified the method of U.S. Patent No. 6,845,978 for binding printed pages by conveying the printed pages past an applicator to apply the adhesive transverse to the page path, as taught by GB '580, as the direction a glue line is applied to printed sheets transported past means for applying glue for subsequent stacking of the sheets for making a book.

It would have been obvious to one of ordinary skill in the art to have further modified the method of U.S. Patent No. 6,845,978 for binding printed pages into a bound document by providing the tray with a lowermost corner, as taught by Corona et al, for corner jogging of printed sheets to be stacked. Providing the vibrator for inducing vibration in the tray by being operatively connected to the lowermost corner would have been obvious to one of ordinary skill in the art, as Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray is provided with vibrator to aid in corner jogging, the vibrator attached to the tray near the corner, thus being operatively connected to the corner.

(8)

Claims 1 and 2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 2 and 9 of U.S. Patent No. 6,712,924 in view of GB 2 303 580 and Corona et al. 5,316,279.

U.S. Patent No. 6,712,924 claims a method of generating bound documents comprising: conveying sheets through a printing station; carrying out printing; conveying the sheets through an adhesive application station; applying one part of two-part adhesive to one side of each sheet and the other part of the adhesive to an opposed side of each sheet proximate an edge; stacking sheets on a support tray with adhesive strips aligned; applying vibratory movement to the support tray; and applying pressure to the stack to bind, wherein the stacking includes feeding the sheets into the support tray to bear against a part of the support tray. U.S. Patent No. 6,712,924 does not claim a vibrator operatively connected to a lowermost corner of the support tray to induce vibration or adjusting the support tray vertically.

GB 2 303 580 teaches that in an apparatus and method of making a book by gluing transported printed sheets together and stacking the sheets, printed sheets are transported past means for applying glue which applies the glue to at least one pre-selected area as a continuous glue line or series of dots, dashes or other patterns transverse to the transport direction of the sheets, prior to stacking the sheets (pgs. 2-9).

Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray may be provided with vibrator to aid in corner jogging. As shown in Figure 2, the vibrator 90 is attached to a side wall of the tray near the corner (col. 10, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have modified the method of U.S. Patent No. 6,845,978 for binding printed pages by conveying the printed pages past an applicator to apply the adhesive transverse to the page path, as taught by GB '580, as the direction a glue line is applied to printed sheets transported past means for applying glue for subsequent stacking of the sheets for making a book.

It would have been obvious to one of ordinary skill in the art to have further modified the method of U.S. Patent No. 6,845,978 for binding printed pages into a bound document by providing the tray with a lowermost corner, as taught by Corona et al, for corner jogging of printed sheets to be stacked. Providing the vibrator for inducing vibration in the tray by being operatively connected to the lowermost corner would have been obvious to one of ordinary skill in the art, as Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray is provided with vibrator to aid in corner jogging, the vibrator attached to the tray near the corner, thus being operatively connected to the corner.

(9)

Claims 1 and 2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 7 of U.S. Patent No. 6,860,479 in view of GB 2 303 580 and Corona et al. 5,316,279.

U.S. Patent No. 6,860,479 claims a page binding apparatus comprising: an adhesive application station including first applicator to apply a first part of adhesive to one side of a page and second applicator to apply the second part of the adhesive to an opposite side of the page; a tray for receiving pages from the adhesive application station, the tray having a support surface for supporting a stack of pages and inclined towards a lower-most corner; a vibrator coupled to

the support surface to induce vibration to urge sheets to the corner; and a binding press to bind the pages, wherein the support surface is adjustable to present an upper page of the stack at a preset level. U.S. Patent No. 6,860,479 does not claim conveying pre-printed pages past the adhesive application station to apply adhesive along a line transverse to the conveying path and the vibrato operatively connected to the lowermost corner.

GB 2 303 580 teaches that in an apparatus and method of making a book by gluing transported printed sheets together and stacking the sheets, printed sheets are transported past means for applying glue which applies the glue to at least one pre-selected area as a continuous glue line or series of dots, dashes or other patterns transverse to the transport direction of the sheets, prior to transporting the sheets to a frame for stacking the sheets (pgs. 2-9).

Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray may be provided with vibrator to aid in corner jogging. As shown in Figure 2, the vibrator 90 is attached to a side wall of the tray near the corner (col. 10, lines 20-23).

It would have been obvious to one of ordinary skill in the art to have modified the apparatus of U.S. Patent No. 6,860,479 for page binding by using the apparatus in a method in which printed pages are transported through the adhesive application station to apply adhesive transverse to the path; as taught by GB '580, as the method used for making a book by applying a transverse glue line to printed sheets transported past means for applying glue for subsequent stacking of the sheets for making a book.

It would have been obvious to one of ordinary skill in the art to have further modified the apparatus of U.S. Patent No. 6,860,479 by providing the vibrator as being operatively connected

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to the lowermost corner, as Corona et al. teach that for a tray for stacking sheets outputted from a printer by stacking sheets in the corner of the tray is provided with vibrator to aid in corner jogging, the vibrator attached to the tray near the corner, thus being operatively connected to the corner.


***Conclusion***

(10)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Melvin Curtis Mayes  
Primary Examiner  
Art Unit 1734

MCM  
July 27, 2005